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JUN 18 2003

June 18, 2003

Federal Communications Commission  
Office of Secretary

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW; Room TW-A325  
Washington, D.C. 20554

Re: In the Matter of Applications for Consent to the Transfer of Control of Licenses  
and Section 214 Authorization from Ameritech Corporation, Transferor, to SBC  
Communications Inc. Transferee. (CC Docket No. 98-141)

Dear Ms. Dortch:

At the request of the Wireline Competition Bureau (WCB) of the Competition Policy Division, SBC Communications Inc. (SBC) is filing the attached document that was provided to the WCB on April 21, 2003. The attached document requests the WCB to grant SBC Midwest a waiver, to allow SBC Midwest, to use the state 271 version 1.9 Performance Measure (PM) 107-Percentage Missed Collocation Due Dates, in place of the recently filed SBC Midwest 3.0 Business Rule PM 17 – Percent Missed Collocation Due Dates.<sup>1</sup>

I appreciate your prompt consideration of this matter. Please call me if you have further questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. G. Cartwright", written over a horizontal line.

Attachment

CC: William Dever, WCB  
Dennis Johnson, WCB

<sup>1</sup> As of 6/18/2003, state 271 Performance Measurements have been approved in Ohio, Michigan and Wisconsin. In Illinois, the tariff took effect on 3/24/03. A Joint motion has been filed in Indiana. A final order are expected shortly.

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April 21, 2003

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APR 21 2003

Federal Communication Commission  
Bureau / Office

Mr. William Maher  
Chief of the Wireline Competition Bureau  
Federal Communications Commission  
445 Twelfth Street, SW; Room 5-C450  
Washington, D.C. 20554

Re: In the Matter of Applications for Consent to the Transfer of Control of Licenses and Section 214 Authorization from Ameritech Corporation, Transferor, to SBC Communications, Inc. Transferee. (CC Docket No. 98-141)

Dear Mr. Maher:

SBC Communication Inc. (SBC) requests the Wireline Competition Bureau (WCB) to grant SBC Midwest a waiver, to allow SBC Midwest, to use the state 271 version 1.9 Performance Measure (PM) 107-Percentage Missed Collocation Due Dates, in place of the recently filed SBC Midwest 3.0 Business Rule PM 17 – Percent Missed Collocation Due Dates.<sup>1</sup>

On March 13, 2003 SBC Communications Inc. filed version 3.0 PM Business Rules and Implementation Schedules for SBC Midwest in response to the October 17, 2002, Public Utility Commission of Texas, Order No. 45-Approving Modifications to Performance Remedy Plan and Performance Measurements and Order No. 47-Ruling on Motions for Reconsideration of Order No. 45.<sup>2</sup> Since March 13, 2003, SBC Midwest has been executing the required changes per the filed business rules. In the course of implementing PM 17 of the SBC Midwest FCC 3.0 Business Rules, SBC Midwest discovered that several of the changes were impractical and generating these programming changes for PM 17 would be a lengthy process and take several months.

<sup>1</sup> State 271 Performance Measurements have been approved in Ohio and Michigan. In Illinois, the tariff took effect on 3/24/03. Joint motions have been filed in Wisconsin and Indiana, final orders are expected shortly.

<sup>2</sup> In accordance with paragraph 4 of Attachment A to the SBC/Ameritech Merger Condition, SBC shall provide the Chief of the Common Carrier Bureau with notice of any changes to the design or calculation to the Carrier-to-Carrier-Performance Plan adopted by the Texas or California State commissions. On March 15, 2002 the FCC notified SBC that the responsibilities for SBC/Ameritech Merger Conditions, Paragraph 4 of Attachment A were transferred from the Chief of the Common Carrier Bureau to the Chief of the Wireline Competition Bureau.

SBC Midwest determined that the state 271 measure PM 107 could serve as a substitute to the 3.0 Business Rule PM 17 and provide greater benefit. While there are differences between the two measures, in most cases these differences make the state PM 107 measure more stringent than 3.0 Business Rule PM 17. In addition, SBC Midwest can implement this measure immediately.

For your convenience we have attached a detailed analysis of all the variances between the two measures. Also attached, are the specific business rules for each of the measures. A few of the more pertinent differences are summarized below.

- Exclusions: There are differences in exclusions/inclusions as negotiated at the SBC Midwest collaborative. There is an exclusion for non-payment in the 3.0 BRs that pertains to SBC Southwest which due to process differences, can be excluded at SBC Midwest with no impact. In addition, as part of the 271 SBC and CLEC collaboratives, an agreement was made with MCI/WorldCom that SBC Midwest would not exclude applications where the final payment has rightfully been withheld by the CLEC. This is a more stringent directive.
- Business Rules
  - The SBC Midwest 271 rule acknowledges that collocation applications can be taken outside of the terms and conditions specified in the state tariffs. The SBC Midwest 271 rule explicitly includes collocation applications that are driven by interconnection agreements and local commission orders. From a pragmatic perspective, these applications would also be included in results for the measure reported by SBC Southwest under the Texas business rule. The SBC Midwest rule simply makes this explicit.
  - The 3.0 business rule starts the clock with receipt of the layout for the collocation space. The agreements negotiated by SBC with the CLECs for the Midwest 271 collocation measures require both the layout and payment. The reason payment is required is that depending on the terms and conditions of the tariff or interconnect agreement, it is possible that SBC Midwest could complete a collocation job that the CLEC has no intention of accepting or paying for. By requiring payment prior to starting a job, there is no harm to SBC if the CLEC cancels the job after it has completed.
  - While not part of the SBC Midwest 3.0 BRs, SBC Midwest also tracks the average delay days for SBC missed due dates (271 Measure 108 Average Delay Days for SBC/Ameritech Missed Due Dates), a measure where the business rule also requires CLEC payments be made in order for the application to be included in performance results. If SBC Midwest tracks the 3.0 measure percentage missed collocation due dates concurrent with the Midwest measure for average delay days, it becomes possible to make one measure but not the other in spite of both purportedly measuring the same behavior. The amount of time allowed to complete the collocation space is stipulated in the tariffs or interconnection agreements. Including the time between receipt of the collocation layout and payment, will cause SBC

Midwest to consistently miss the 3.0 measure. Thus, using the same start time for both measures avoids the reporting of these "false" misses.

- Levels of Disaggregation – The SBC Midwest BRs collapsed the levels of disaggregation categories. The State 271 Version 1.9 rule continues to report disaggregations to maintain consistency with existing state commission reporting requirements. This will provide the WCB more detailed reporting.
- Measurement Type – SBC Midwest will continue to use the “High” liability Tier 3 measurement for all the SBC Midwest states as in PM 17.
- Benchmark – SBC Midwest elects to use the wording for PM 107 since it provides a much clearer explanation of the benchmark.

SBC appreciates your consideration of SBC Midwest’s request to use the state 271 version 1.9 PM 107 in place of SBC Midwest 3.0 PM 17.

If you or your staff wishes to discuss these changes, please do not hesitate to contact me at 202-326-8894.

Sincerely,



Attachment

CC: William Dever, WCB  
Dennis Johnson, WCB  
Ben Childers, WCB  
Pete Young, EB

## Collocation Business Rule Comparison

	FCC SBC Midwest Version 3.0 Measure	State 271 Version 1.9 Measure	Variance/Rationale
Measure Name	FCC PM 17 Percent Missed Collocation Due Dates	271 PM 107 Percentage Missed Collocation Due Dates	
Definition	The percent of SBC/Midwest caused missed due dates for Collocation projects	The percentage of SBC/Ameritech caused missed due dates for Collocation projects	
Exclusions	<ul style="list-style-type: none"> <li>Exclude any applications rejected for non-payment within the times requested under tariff</li> <li>Exclude if the CLEC has not submitted their second fifty percent (50%) payment prior to the due date, SBC- Midwest will exclude the job from reporting.</li> </ul>	<ul style="list-style-type: none"> <li><del>Exclude any applications rejected for non-payment within the times requested under tariff</del></li> <li>If the CLEC has not submitted their second fifty percent (50%) payment prior to the due date <del>space being turned over</del>, SBC/Ameritech will exclude the job from reporting. <u>For instances where the payment has rightfully been withheld, (the account manager provides the notification to proceed), the job is not excluded.</u></li> </ul>	<p>This exclusion pertains to SBC Southwest practices. Due to process differences, this exclusion has no impact on SBC Midwest.</p> <p>This phrase was inserted as part of an agreement struck with MCI/WorldCom at the SBC Midwest collaboratives.</p>
Business Rules	The clock starts when SBC/Midwest receives, in compliance with the approved tariff, return of proposed layout for space as specified in the application form from the CLEC. However, for purposes of the measure, once SBC/ Midwest provides a quote to a CLEC, the application is deemed to be in compliance with the approved Tariff. The clock stops when the CLEC receives notice in writing or other method agreed to by the parties that the collocation arrangement is complete and ready for CLEC occupancy and CFA/APOT information is made available to the CLEC. If the CLEC does not accept	The clock starts when SBC/Ameritech receives, in compliance with the <u>Commission Order, approved interconnection agreement or effective approved tariff, whichever is applicable, payment</u> and return of proposed layout for space as specified in the application form from the CLEC. <del>However, for purposes of the measure, once SBC/ Midwest provides a quote to a CLEC, the application is deemed to be in compliance with the approved Tariff</del> and the clock stops when the CLEC receives notice in writing or other method agreed to by the parties that the collocation arrangement is complete and ready for CLEC occupancy and CFA/APOT information is made available to the CLEC.	<p>SBC Midwest 271 BRs explicitly acknowledge applications that can be taken outside of the terms and conditions specified in state tariffs.</p> <p>SBC Midwest tracks quotes to CLECs in state measure 109, the amount of time it takes SBC Midwest to respond with a quote after a CLEC application request. Including quotes in the FCC measure would constitute double jeopardy.</p> <p>Striking the availability of</p>

## Collocation Business Rule Comparison

	FCC SBC Midwest Version 3.0 Measure	State 271 Version 1.9 Measure	Variance/Rationale
	<p>the collocation space because the space is not complete and ready for occupancy as specified, and notifies SBC/Midwest of such within 5 business days, the collocation will be considered not complete and the time frame required for the CLEC to reject the collocation space (up to 5 business days) and any additional time required for SBC/Midwest to complete the space per the specifications will be counted as part of the interval. Any time exceeding the 5 business days will not be counted as part of the interval. Due Date Extensions will be extended when mutually agreed to by SBC/Midwest and the CLEC, or when a CLEC fails to complete work items for which they are responsible in the allotted time frame. However, a due date extension resulting from SBC/Midwest notification that it will not meet the required interval, will not be considered a change in the due date for purpose of this measure. Moreover, any change in due date requested by SBC/Midwest for whatever reason will not be considered to be a change in due date for purpose of this measure. A CLEC-requested extended due date will be calculated by adding to the original due date the number of calendar days that the CLEC was late in performing</p>	<p><u>The CLEC will then have 5 business days to accept or not accept the collocation space.</u> If the CLEC does not accept the collocation space because the space is not complete and ready for occupancy as specified, and notifies SBC/Ameritech of such within 5 business days, the collocation will be considered not complete and the time frame required for the CLEC to reject the collocation space (up to 5 business days) and any additional time required for SBC/Ameritech to complete the space per the specifications will be counted as part of the interval. Any time exceeding the 5 business days will not be counted as part of the interval. Due Date Extensions will be extended when mutually agreed to by SBC/Ameritech and the CLEC, or when a CLEC fails to complete work items for which they are responsible in the allotted time frame. <del>However, a due date extension resulting from SBC/Midwest notification that it will not meet the required interval, will not be considered a change in the due date for purpose of this measure. Moreover, any change in due date requested by SBC/Midwest for whatever reason will not be considered to be a change in due date for purpose of this measure.</del> A CLEC-requested. <u>The</u> extended due date will be calculated by adding to the original due date the number of calendar days that the CLEC was late in performing said work items. Work items include but are not limited to:</p>	<p>CFA/APOT information is clean-up of the business rule that was agreed to during the last SBC / CLEC collaboratives.</p> <p>Procedurally, SBC Midwest does not modify the due date for tracking on this measure if the change is at SBC's request. SBC is willing to include this explicitly in the FCC rule.</p>

### Collocation Business Rule Comparison

	FCC SBC Midwest Version 3.0 Measure	State 271 Version 1.9 Measure	Variance/Rationale
	<p>said work items. Work items include but are not limited to:</p> <ul style="list-style-type: none"> <li>• CLEC return to SBC/Midwest corrected and complete floor plan drawings</li> <li>• CLEC placement of required component(s)</li> <li>• If the business rules and tariff are inconsistent, the terms of the tariff will apply. If inconsistencies are identified, SBC/ Midwest will bring these forward for discussion at the next 6-month review.</li> </ul>	<ul style="list-style-type: none"> <li>• CLEC return to SBC/Ameritech corrected and complete floor plan drawings.</li> <li>• CLEC placement of required component(s).</li> </ul> <p>If the business rules and <u>Commission Order, approved interconnection agreement or effective tariff, whichever is applicable</u>, are inconsistent, <del>the terms of the tariff will</del> apply then these business rules are superseded. <del>If inconsistencies are identified, SBC/ Midwest will bring these forward for discussion at the next 6-month review.</del></p>	<p>This just elaborates to include state commission orders or interconnect agreements as taking precedence on how the measurements are taken.</p>
Levels of Disaggregation	<ul style="list-style-type: none"> <li>• New</li> <li>• Augments</li> </ul> <p>Note: All approved types, e.g. Cages, Cageless, etc. are now included in these)</p>	<ul style="list-style-type: none"> <li>• <del>New</del></li> <li>• <del>Augments</del></li> </ul> <p><del>Note: All approved types, e.g. Cages, Cageless, etc. are now included in these)</del></p> <p><u>For Physical Collocations:</u></p> <ul style="list-style-type: none"> <li>• <u>Caged</u></li> <li>• <u>Shared Caged</u></li> <li>• <u>Caged Common</u></li> <li>• <u>Cageless</u></li> <li>• <u>Adjacent On-site</u></li> <li>• <u>Adjacent Off-site</u></li> <li>• <u>All Augments to Physical Collocation</u></li> </ul> <p><u>For Virtual Collocations:</u></p> <ul style="list-style-type: none"> <li>• <u>Virtual</u></li> </ul>	<p>The 3.0 Business Rules collapsed the reporting categories to applications for new collocation space and augments to existing space. SBC Midwest agrees that these disaggregations are proper but will continue to report the additional disaggregations to maintain consistency with existing state commission reporting requirements.</p>

### Collocation Business Rule Comparison

	FCC SBC Midwest Version 3.0 Measure	State 271 Version 1.9 Measure	Variance/Rationale																		
		<ul style="list-style-type: none"><li><u>All Augments to Virtual Collocations</u></li></ul>																			
Calculation	(count of number of SBC/Midwest caused missed due dates for collocation facilities ÷ total number of collocation projects) * 100	(count of number of SBC/Ameritech caused missed due dates for collocation facilities ÷ total number of collocation projects) * 100																			
Report Structure	Reported for individual CLEC and all CLECs and SBC/Midwest affiliate.	Reported for individual CLEC and all CLECs and SBC/Ameritech Affiliate																			
Measurement Type	Y3 - High	<del>Y3 - High</del> <table><tr><td></td><td>IL</td><td>IN</td><td>MI</td><td>OH</td><td>WI</td></tr><tr><td>Tier 1</td><td>High</td><td>High</td><td>Med</td><td>High</td><td>High</td></tr><tr><td>Tier 2</td><td>High</td><td>High</td><td>Med</td><td>High</td><td>High</td></tr></table>		IL	IN	MI	OH	WI	Tier 1	High	High	Med	High	High	Tier 2	High	High	Med	High	High	The Illinois, Indiana, Ohio and Wisconsin State Commissions classify this measure as having a high payment liability. Michigan classifies it as medium liability measure. Consistent with the original merger order, SBC will continue to make this a high liability Tier 3 measurement for all the Midwest states.
	IL	IN	MI	OH	WI																
Tier 1	High	High	Med	High	High																
Tier 2	High	High	Med	High	High																
Benchmark	95% within the due date. Damages and Assessments will be calculated based on the number of days late. Critical z-value does not apply.	<del>95% within the due date.</del> <u>Less than 5% not met within the due date</u> Damages and Assessments will be calculated based on the number of <u>calendar</u> days late. The critical z-value does not apply.	The 3.0 rule and the Midwest state 271 business rule clarify that since the measurement is “Percent Missed Collocation Dates,” the benchmark is 95% on time or no more than 5% not met within the due date. The Midwest state 271 rule also further specifies that the days late are to be measured using the more stringent calendar day requirement instead of business days.																		



## A. Collocation

<b>17. Measurement</b>
<b>Percent Missed Collocation Due Dates</b>
<b>Definition:</b>
The percent of SBC/Midwest caused missed due dates for Collocation projects.
<b>Exclusions:</b>
<ul style="list-style-type: none"><li>• Exclude any applications rejected for non-payment within the times requested under tariff</li><li>• Exclude if the CLEC has not submitted their second fifty percent (50%) payment prior to the due date, SBC- Midwest will exclude the job from reporting.</li></ul>
<b>Business Rules:</b>
<p>The clock starts when SBC/Midwest receives, in compliance with the approved tariff, return of proposed layout for space as specified in the application form from the CLEC. However, for purposes of the measure, once SBC/ Midwest provides a quote to a CLEC, the application is deemed to be in compliance with the approved Tariff. The clock stops when the CLEC receives notice in writing or other method agreed to by the parties that the collocation arrangement is complete and ready for CLEC occupancy and CFA/APOT information is made available to the CLEC. If the CLEC does not accept the collocation space because the space is not complete and ready for occupancy as specified, and notifies SBC/Midwest of such within 5 business days, the collocation will be considered not complete and the time frame required for the CLEC to reject the collocation space (up to 5 business days) and any additional time required for SBC/Midwest to complete the space per the specifications will be counted as part of the interval. Any time exceeding the 5 business days will not be counted as part of the interval. Due Date Extensions will be extended when mutually agreed to by SBC/Midwest and the CLEC, or when a CLEC fails to complete work items for which they are responsible in the allotted time frame. However, a due date extension resulting from SBC/ Midwest notification that it will not meet the required interval, will not be considered a change in the due date for purpose of this measure. Moreover, any change in due date requested by SBC/ Midwest for whatever reason will not be considered to be a change in due date for purpose of this measure. A CLEC-requested extended due date will be calculated by adding to the original due date the number of calendar days that the CLEC was late in performing said work items. Work items include but are not limited to:</p> <ul style="list-style-type: none"><li>• CLEC return to SBC/Midwest corrected and complete floor plan drawings</li><li>• CLEC placement of required component(s)</li><li>• If the business rules and tariff are inconsistent, the terms of the tariff will apply. If inconsistencies are identified, SBC/ Midwest will bring these forward for discussion at the next 6-month review.</li></ul>
<b>Levels of Disaggregation:</b>

<ul style="list-style-type: none"> <li>• New</li> <li>• Augments</li> </ul> <p>Note: All approved types, e.g. Cages, Cageless, etc. are now included in these)</p>	
<b>Calculation:</b>	<b>Report Structure:</b>
(count of number of SBC/Midwest caused missed due dates for collocation facilities ÷ total number of collocation projects) * 100	Reported for individual CLEC and all CLECs and SBC/Midwest affiliate.
<b>Measurement Type:</b>	
Y3 - High	
<b>Benchmark:</b>	
95% within the due date. Damages and Assessments will be calculated based on the number of days late. Critical z-value does not apply.	

# SBC/AMERITECH PERFORMANCE MEASUREMENT USER GUIDE

## Collocation

<b>107. Percentage Missed Collocation Due Dates</b>
<b>Definition:</b>
The percentage of SBC/Ameritech caused missed due dates for collocation projects.
<b>Exclusions:</b>
If the CLEC has not submitted their second fifty percent (50%) payment prior to the space being turned over, SBC/Ameritech will exclude the job from reporting. For instances where the payment has rightfully been withheld, (the account manager provides the notification to proceed), the job is not excluded.
<b>Business Rules:</b>
<p>The clock starts when SBC/Ameritech receives, in compliance with the Commission Order, approved interconnection agreement or effective tariff, whichever is applicable, payment and return of proposed layout for space as specified in the application form from the CLEC and the clock stops when the CLEC receives notice in writing or other method agreed to by the parties that the collocation arrangement is complete and ready for CLEC occupancy. The CLEC will then have 5 business days to accept or not accept the collocation space. If the CLEC does not accept the collocation space because the space is not complete and ready for occupancy as specified, and notifies SBC/Ameritech of such within 5 business days, the collocation will be considered not complete and the time frame required for the CLEC to reject the collocation space (up to 5 business days) and any additional time required for SBC/Ameritech to complete the space per the specifications will be counted as part of the interval. Any time exceeding the 5 business days will not be counted as part of the interval. Due Date Extensions will be extended when mutually agreed to by SBC/Ameritech and the CLEC, or when a CLEC fails to complete work items for which they are responsible in the allotted time frame. The extended due date will be calculated by adding to the original due date the number of calendar days that the CLEC was late in performing said work items. Work items include but are not limited to:</p> <ul style="list-style-type: none"><li>• CLEC return to SBC/Ameritech corrected and complete floor plan drawings.</li><li>• CLEC placement of required component(s).</li></ul> <p>If the business rules and Commission Order, approved interconnection agreement or effective tariff, whichever is applicable, are inconsistent, then these business rules are superseded.</p>

# SBC/AMERITECH PERFORMANCE MEASUREMENT USER GUIDE

## Levels of Disaggregation:

For Physical Collocations:

- Caged
- Shared Caged
- Caged Common
- Cageless
- Adjacent On-site
- Adjacent Off-site
- All Augments to Physical Collocation

For Virtual Collocations:

- Virtual
- All Augments to Virtual Collocations

## Calculation:

(count of number of SBC/Ameritech caused missed due dates for collocation facilities ÷ total number of collocation projects) \* 100

## Report Structure:

Reported for individual CLEC and all CLECs and SBC/Ameritech Affiliate

## Measurement Type:

	IL	IN	MI	OH	WI
Tier 1	High	High	Med	High	High
Tier 2	High	High	Med	High	High

## Benchmark:

Less than 5% not met within the due date) Damages and Assessments will be calculated based on the number of calendar days late. The critical z-value does not apply.